

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

JEFFERY L. MILLER	]	
Petitioner,	]	
	]	
v.	]	No. 3:10-0068
	]	Judge Echols
ROLAND COLSON, WARDEN	]	
Respondent.	]	

O R D E R

The petitioner, proceeding *pro se*, is an inmate at the Deberry Special Needs Facility in Nashville. He brings this habeas corpus action pursuant to 28 U.S.C. § 2254 against Roland Colson, Warden of the prison, challenging his 1997 conviction for first degree murder.

The petitioner has already attacked his 1997 conviction for first degree murder at least once before in an earlier § 2254 action.<sup>1</sup> Before a second or successive petition may be adjudicated in the district court, the petitioner must move in the appropriate court of appeals for an order authorizing the district court to consider the petition. 28 U.S.C. § 2244(b)(3)(A). Apparently, the petitioner has not yet sought and obtained the authorization from

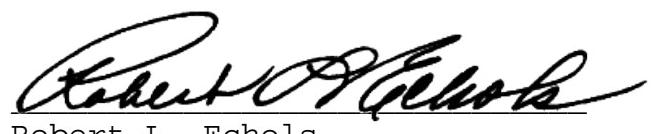
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<sup>1</sup> Jeffery Lee Miller v. Robert Waller, Warden, No. 3:05-1089 (M.D. Tenn.) (Trauger, J., presiding) (dismissed for failure to state a claim); *aff'd*, No. 06-6040 (6<sup>th</sup> Cir., 3/6/07) (application for a certificate of appealability was denied).

the Sixth Circuit Court of Appeals needed for this Court to consider his current petition.

Accordingly, the Clerk is directed to TRANSFER this case to the Sixth Circuit Court of Appeals for further consideration. 28 U.S.C. § 1631; In re: Sims, 111 F.3d 45, 47 (6<sup>th</sup> Cir.1997).

It is so ORDERED.



Robert L. Echols  
United States District Judge